



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	State Board of Social Services
<b>VAC Chapter Number:</b>	22 VAC 40-25-10 et seq.
<b>Regulation Title:</b>	Auxiliary Grants Program: Levels of Care and Rate Setting
<b>Action Title:</b>	Clarify Reimbursement Procedures
<b>Date:</b>	April 16, 2003

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

This regulation sets forth requirements for the administration of the Auxiliary Grants Program (AG) which include the process the Virginia Department of Social Services is to use in establishing AG rates for assisted living facilities, the services to be covered by AG, and the requirement for an individual's evaluation by a case manager as a condition of eligibility for payment from the program. The title of the regulation will be amended to read "Auxiliary Grants Program" to reflect the broad scope of the regulation.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

The legal basis for this regulation is the *Code of Virginia*, §§ 63.2-217 and 63.2-800. The regulation does not exceed the scope of what the *Code* allows.

### Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

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Amendments are needed to this regulation in order to clarify reimbursement procedures and issues regarding oversight of residents' funds by an assisted living facility or adult foster care home. In addition, the term "adult care residence" will be replaced with "assisted living facility" throughout.

### Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

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The Department continues to work closely with assisted living facility provider organizations and facility operators to ensure that the assessment of applicants to and residents of assisted living facilities are appropriately placed and that auxiliary grant payments are managed properly.